

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Sean B.,

No. 3:21-cv-01094-HZ

Plaintiff,

ORDER

v.

COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION,

Defendant.

HERNÁNDEZ, District Judge:

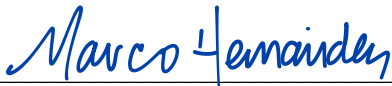
Plaintiff Sean B. brought this action seeking review of the Commissioner’s final decision to deny Disability Insurance Benefits. On June 8, 2022, pursuant to the parties’ stipulated motion, the Court reversed the Commissioner’s decision and ordered that the case be remanded for additional proceedings. Order, ECF 15. Judgment was also entered on June 8, 2022. ECF 16. On September 11, 2023, Plaintiff’s counsel received notice of Plaintiff’s award for benefits. Pl. Mot. Ex. 2, ECF 19-2.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Pl. Mot., ECF 19. Defendant has no objection to the request. *Id.* The Court has reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds the requested fees reasonable.

The Court GRANTS the motion [19] and awards Plaintiff's counsel \$12,183.94 in attorney's fees under 42 U.S.C. § 406(b). When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously received under EAJA and send Plaintiff's attorney the balance of \$5,700 less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to Plaintiff.

IT IS SO ORDERED.

DATED: October 12, 2023.



MARCO A. HERNÁNDEZ
United States District Judge